



Massachusetts National Guard

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News Release

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Massachusetts National Guard Will Compensate Soldiers Appropriately

MILFORD, Mass. -- Federal lawyers representing the Massachusetts National Guard asked a judge today to dismiss a lawsuit filed by soldiers who say they were not reimbursed for expenses incurred while they were protecting sites in the Commonwealth of Massachusetts.

"We feel that this isn't the correct venue for the case," said Guard attorney Maj. Anthony Sciaraffa. "The fact is that this is an administrative issue, and an administrative procedure for dealing with it was already underway prior to the lawsuit's filing."

Though individual concerns had been addressed on a case-by-case basis as early as 2002, a formal, comprehensive internal audit of soldier compensation issues began in May 2005 in response to the number of cases. The goal of the audit is to ensure all soldiers serving on homeland security missions in Massachusetts are compensated appropriately, within state and federal regulations.

Initial audit findings do indicate that some of these soldiers may have been entitled to, but did not receive, all the travel and per diem reimbursement they may have been due. The exact number of affected soldiers is still being determined, but all soldiers who are entitled any additional reimbursement will be notified and receive assistance in completing the appropriate paperwork for compensation.

"The bottom line is that we are going to take care of our people," said Brig. Gen. Oliver J. Mason Jr., The Adjutant General of the Massachusetts National Guard. "We began the audit nearly eight months before the lawsuit was filed. Our intent has always been to ensure all our members are compensated appropriately."

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The audit was a painstaking process that involved reviewing more than 500 individual sets of orders, as well as room receipts, duty logs and countless other pieces of documentation. Initial findings indicate that the template used in developing orders for some soldiers performing homeland defense missions was inappropriate.

"We believe this error was due to inexperience with placing soldiers on Title 32 status in an operational role," said Maj. Winfield Danielson, public affairs officer for the Massachusetts National Guard. "Title 32 orders had traditionally been used for short-term training missions prior to Sept 11th."

The Title 32 operational missions were federally funded and were implemented in response to homeland defense requirements. Initial recommendations from the audit include the development of clear guidelines for the processing of Title 32 orders for Massachusetts Army National Guard soldiers serving on operational missions within the commonwealth.

U.S. District Judge Richard Stearns did not immediately rule on the motion for dismissal, but said he would take it under advisement and may consider holding off on a ruling until after the Massachusetts National Guard completes its audit.

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